

(3)

**DECLARATION AND POWER OF ATTORNEY**  
**(Attorney Docket No. Xtremesoft/Patent)**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**TRANSACTIONAL MONITORING SYSTEM AND METHOD**

the specification of which (check only one):

☐ is attached hereto.

☒ was filed as United States Patent Application  
Serial No. 09/922,272  
on August 3, 2001  
and was amended  
on \_\_\_\_\_  
(if applicable)

☐ was filed as PCT Patent Application  
Serial No. \_\_\_\_\_  
on \_\_\_\_\_  
and was amended under PCT Article 19  
on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, Sections 1.56(a) and 1.56(b).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS  
UNDER 35 U.S.C. §119(a)-(d) or 365(b):**

<b>COUNTRY</b> (if PCT indicate PCT)	<b>APPLICATION NUMBER</b>	<b>DATE OF FILING</b>	<b>PRIORITY CLAIMED UNDER 35 U.S.C. §119(a)- (b) or 365(b) (YES/NO)</b>
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I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional patent application(s) listed below:

<b>APPLICATION NUMBER</b>	<b>DATE OF FILING</b>	<b>STATUS: (PENDING OR ABANDONED)</b>
60/223,188	August 4, 2000	Abandoned

I hereby claim the benefit under Title 35, United States Code, § 120 or 365(c) of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112. I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATION OR PCT INTERNATIONAL APPLICATION(S)  
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120 or 365(c):**

<b>APPLICATION NUMBER</b>	<b>DATE OF FILING (day, month, year)</b>	<b>STATUS: (PATENTED, PENDING OR ABANDONED)</b>
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**POWER OF ATTORNEY:** As named inventors, we hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith

David Jacobs	Reg. No. 31,770
Lakshmi Samudrala	Reg. No. 45,934

the mailing address and telephone number of each of whom is LUCASH GESMER & UPDEGROVE LLP, 40 Broad Street, Boston, Massachusetts 02109 and (617) 350-6800, with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

**Send Correspondence To**

David Jacobs  
LUCASH GESMER & UPDEGROVE LLP  
40 Broad Street  
Boston, MA 02109

**Direct Telephone Calls To**

David Jacobs  
(617) 350-6800

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first and joint inventor: Scott Matsumoto

Inventor's signature Scott Matsumoto Date: 11/14/01

Country of Citizenship: USA

Residence and Post Office Address:

15 Windemere Drive, Andover, Massachusetts, 01810 USA

Full name of second and joint inventor: Diane Downie

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Country of Citizenship: USA

Residence and Post Office Address:

9 Scotia Way, Nashua, New Hampshire, 03062 USA

Full name of third and joint inventor: Robert Adams

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Country of Citizenship: USA

Residence and Post Office Address:

46 Harrison Avenue, Northampton, Massachusetts, 01060 USA

342544.1.

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Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

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**Full name of second and joint inventor:** Diane Downie

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Country of Citizenship: USA

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9 Scotia Way, Nashua, New Hampshire, 03062 USA

**Full name of third and joint inventor:** Robert Adams

Inventor's signature Robert Adams Date: 11/15/2001

Country of Citizenship: USA

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46 Harrison Avenue, Northampton, Massachusetts, 01060 USA

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Full name of first and joint inventor: Scott Matsumoto

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Country of Citizenship: USA

Residence and Post Office Address:

15 Windemere Drive, Andover, Massachusetts, 01810 USA

Full name of second and joint inventor: Diane Dowajic

Inventor's signature *Diane Dowajic* Date: 11/15/01

Country of Citizenship: USA

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Full name of third and joint inventor: Robert Adams

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

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